

Remarks

The Applicants believe that this amendment places the subject application in better condition for allowance and in so doing introduces no new issues. Therefore, entry of this Amendment, reconsideration of the application, and allowance of all claims pending herein is respectfully requested.

Claims 1-6 were originally presented in the subject application. By the foregoing amendment, claims 1, 5 and 6 have been amended to more particularly point out and distinctly claim the inventive material of the subject invention. New claims 7 and 8 have been added. Claims 2-4 are canceled without prejudice. Claims 1, 5, 6-8 remain in this case. The Examiner's concerns are addressed separately below in the order raised in the outstanding Office Action.

Claim Objections

Claims 5 and 6 have been amended to eliminate multi-dependencies.

Rejections under 35 U.S.C. §103:

Claims 1, 3 and 4 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Bell et al. (US 5,000,616) in view of Yodock, Jr. et al. (US Pub 2003/0185629), and further in view of Chou et al. (US 5509756).

The Office action states that "Bell et al. (once modified) discloses the invention substantially as claimed. However, the (once modified) Bell et al. is silent about the coupling having a rail member. Chou et al. teaches coupling having a rail member (see Fig. 3(d)). It would have been considered obvious to one of ordinary skill in the art to further modify the (once modified) Bell et al. to include the rail coupling as taught by Chou et al. since such a modification would allow for a more effective barrier connection."

This rejection, to the extent deemed relevant to amended claim 1 and to new claims 7 and 8 presented herewith, is respectfully traversed.

Claim 1 has been amended to substantially include characteristics of original claim 4, namely, that the containment boom includes a 'position stabilizing member' which permits, yet limits the 'relative position [of] adjacent float units in upward and downward directions'. As

shown for example in Fig. 3(c), and described in the specification, in a representative embodiment this 'position stabilizing member' extends between adjacent float units, to enable some relative vertical movement between adjacent floats. The 'position stabilizing member' however, serves to advantageously 'prevent occurrence of excessive movements of the upward and downward directions', such as may otherwise occur due to wakes or other 'momentary violent movements of waves and currents'. (See, e.g., page 8, lines 8-9, and page 10, lines 2-3 of the specification).

Moreover, with respect to claim 7, in a particular representative embodiment, the 'position stabilizing member' may include 'an elastic material' such as a 'coil spring or a rubber' material. (Specification, page 8, lines 7-8 and 19-20). This stabilizing member may stretch as the adjacent float units move vertically relative to one another, to resiliently limit the aforementioned vertical movement. The elastic stabilizing member may subsequently contract, such as once calmer conditions prevail, 'to restore [the] relative position between adjacent float units' and help prevent the release of oil contained by the containment boom. (Page 8, lines 10-11 of the specification).

In addition, with respect to new claim 8, the particular embodiment shown in Fig. 3(a) and 3(c) discloses the ends of the position stabilizing member being fastened within 'vacant rooms' disposed within adjacent ends of the adjacent float units. (See, e.g., page 8, lines 13-21 of the specification.)

The subject matter of claims 7 and 8 was implicitly included in the subject claims as originally presented, by virtue, for example, of original claims 4 and 6, such that no new search is required and no new matter has been added. Further support for this Amendment may be found in, for example, Fig. 3(c) and in the specification portions cited above.

The characteristics of claims 1, 7 and 8 are neither disclosed nor suggested by the prior art cited by the Examiner. Specifically, regarding independent claim 1, Applicant submits that the cited references fail to disclose or suggest a 'position stabilizing member' which permits and limits variation in the relative position of adjacent float units in upward and downward directions'. In addition, none of the references disclose such a device fabricated from an 'elastic material' or secured within 'vacant rooms' or recesses disposed in the adjacent floats as set forth

in claims 7 and 8, to provide the advantages discussed above.

Accordingly, in light of the foregoing, even if the cited references were properly combined, the result would not meet the limitations of either claims 1, 7 or 8.

Moreover, and in the alternative, at least one of the references shows no recognition of the problem faced by the applicant, namely that of enabling some degree of independent vertical movement, while ensuring that such movement does not become excessive, such as during and/or after momentary violent movements of waves and currents. As such, the combination of the cited references is not sufficiently pertinent to the particular problem faced by applicant as to reasonably suggest applicant's claimed invention to those skilled in the art. Absent such a teaching, suggestion or incentive supporting the combination, one skilled in the art would not have been motivated to combine the cited references to produce the claimed invention.

For each of the foregoing alternate reasons, Applicant respectfully requests reconsideration and allowance of amended claim 1 presented herewith. The dependent claims are believed allowable for the same reasons as the independent claim from which they depend, as well as for their own additional limitations.

#### CONCLUSION

Applicant therefore further submits that all of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot.

This application is now believed to be in condition for allowance, and such action at an early date is respectfully requested. However, if any matters remain unresolved, the Examiner is encouraged to contact the undersigned by telephone.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-0374** referencing docket no. 1150.002. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,



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